



**City of Milwaukee**  
**Text File**  
**As of March 01, 2004**  
**Resolution**

200 E. Wells Street  
Milwaukee, Wisconsin  
53202

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**Introduced:** 11/25/2003

**File Number:** 031091

**Status:** Passed

**Version:** 1

**Sponsors:** THE CHAIR

Substitute resolution granting a special privilege to Water Street Development Corporation, to construct, use and maintain a retaining wall with railing and a sloped sidewalk, which encroach into the public way of East Pittsburgh Avenue in the vicinity of 210 South Water Street, in the 12th Aldermanic District in the City of Milwaukee.

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This resolution grants a special privilege to Water Street Development Corporation, to construct, use and maintain a retaining wall with railing and a sloped sidewalk, which encroach into the public way on the north side of East Pittsburgh Avenue, adjacent to the premises known as 210 South Water Street.

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Whereas, David Zazove is an agent for Water Street Development Corporation, the owner of the property being developed at 210 South Water Street; and

Whereas, As a part of this development a riverwalk is also to be created; and

Whereas, It is necessary to have the riverwalk be barrier-free accessible and they have agreed to undertake such at their expense but in the public right-of-way of East Pittsburgh Avenue; and

Whereas, This sloped sidewalk will require the construction of a retaining wall; and

Whereas, The retaining wall and sloped sidewalk may only be permitted to encroach into the public right-of-way by the granting of a special privilege by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Water Street Development Corporation, 200 South Water Street, Milwaukee, WI, 53202, is hereby granted the following special privileges:

1. To construct, use and maintain a retaining wall with a metal railing on top located on the north side of East Pittsburgh Avenue adjacent to 210 South Water Street. The 1-foot wide wall is to be located approximately 8 feet east of the eastline of South Water Street, extending approximately 88 feet east. The wall is to be approximately 5 feet south of the adjacent building, providing approximately 10 feet of fully concrete paved sidewalk for through pedestrians on East Pittsburgh Avenue. The wall shall have a metal railing on top at least 2 feet high. The wall may rest on a grade beam with piles located below grade.
2. To construct, use and maintain a sloped sidewalk on the north side of East Pittsburgh Avenue

beginning approximately 8 feet east of the eastline of South Water Street. The 5-foot wide sidewalk between the building and the aforementioned retaining wall is to be approximately 83 feet long.

Said retaining wall and sloped sidewalk shall be constructed, used and maintained to the approval of the Commissioners of Public Works and Neighborhood Services and all necessary permits shall be procured from the Commissioners of Public Works and City Development. No alteration or replacement of any item may be made without the written approval of the Commissioners of Neighborhood Services and Public Works; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege, Water Street Development Corporation, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$10,000.00 such bond to be approved by the City Attorney. The applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$250,000 covering bodily injury to any one person and \$500,000 covering bodily injury to more than one person in any one accident and \$100,000 covering property damage to any one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be canceled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer an annual fee which has an initial amount of \$256.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works any curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.
5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.
6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

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Infrastructure Services Division  
JJM:dle

January 13, 2004  
PI RES 031091 CAK